

County of Summit · The High Point of Ohio



Summit County Planning Commission (SCPC)

Thursday February 28, 2019 - 3:00 p.m.
County of Summit, County Council Chambers
175 South Main Street, 7th Floor, Akron, Ohio

Meeting Agenda

- A. Call to Order
- B. Roll Call
- C. Approval of the January 24, 2019 SCPC Minutes
- D. Business Items

Vice Chair Stoiber
Smith
Vice Chair Stoiber
Knittel

New Business

Item # 1 – Zoning Text Amendment - Bath Township - 502 Prohibited Activities - The Zoning Commission is proposing to Amend 502-A (4) Prohibited Activities to enact a moratorium on any use or operations of medical marijuana cultivators, processors, dispensaries, and/or testing laboratories.

Item # 2 – Zoning Text Amendment – Northfield Center Township - Residential Carport Canopy & Storage Structure - The applicant has proposed that the Northfield Center Township Zoning Resolution Chapter 130 Definitions and Chapter 310 Residential District Regulations Section 310.08 be amended to add text regulating Residential Carport Canopy & Storage Structures.

Item # 3 – Zoning Text Amendment – Northfield Center Township - Buffering & Screening- The applicant has proposed that the Northfield Center Township Zoning Resolution Chapter 130 Definitions and Chapter 430 Landscaping and Screening Requirements Section 430.04 be amended to add text regulating Buffering and screening of residential areas from commercial and industrial areas.

- E. Report from Assistant Director
- F. Comments from Public
- G. Comments from Commission Members
- H. Other
 - 1. Legal Update
- I. Adjournment

Tubbs
Vice Chair Stoiber
Vice Chair Stoiber

Matz
Vice Chair Stoiber

County of Summit
Ilene Shapiro, County Executive
Summit County Planning Commission
Thursday, January 24, 2019 - 3:00 p.m.
County of Summit, County Council Chambers
175 South Main Street, 7th Floor, Akron, Ohio

Minutes of Meeting

Members Present: George Beckham, Helen Humphrys, Allen Mavrides, Jeff Snell, Dennis Stoiber, Robert Terry and Jeff Wilhite

Members Absent: Becky Corbett, Jerry Feeman, David Kline, and Jason Segedy

Staff: Dennis Tubbs, Stephen Knittel, Deborah Matz, and Cazz Smith Jr.

Others: Don Saunders – *Northfield Center TWP*

I. Call to Order

Allen Mavrides called the meeting to order on ***Thursday, January 24, 2019*** at ***3:00 pm*** in the County of Summit Council Chambers, 175 South Main Street, 7th Floor, Akron Ohio 44308. A roll call was conducted by ***Cazz Smith*** the attending members constituted a quorum.

II. Approval of the *December 20, 2018* Meeting Minutes

SCPC Member	Present	Motion	Second	Yea	Nay	Abstain
Beckham, George	X		X	X		
Corbett, Becky						
Feeman, Jerry						
Humphrys, Helen						
Kline, David						
Mavrides, Allen	X			X		
Segedy, Jason						
Snell, Jeff	X			X		
Stoiber, Dennis	X	X		X		
Terry, Robert	X			X		
Wilhite, Jeff	X			X		

Motion

Dennis Stoiber made a motion to approve the minutes of the ***December 20, 2018*** meeting, and it was seconded by ***George Beckham*** the motion passed with no abstentions.

III. Election of Officers

1. Chairman of SCPC 2019

SCPC Member	Present	Motion	Second	Close	Second	Yea	Nay	Abstain
Beckham, George	X					X		
Corbett, Becky								
Feeman, Jerry								
Humphrys, Helen								
Kline, David								
Mavrides, Allen	X							
Segedy, Jason								
Snell, Jeff	X					X		
Stoiber, Dennis	X	X		X		X		
Terry, Robert	X					X		
Wilhite, Jeff	X		X		X	X		

Motion

Dennis Stoiber made a motion to nominate **Allen Mavrides** as SCPC Chair 2019, and it was seconded by **Jeff Wilhite** the motion passed with no abstentions.

Dennis Stoiber made a motion to close nominations for SCPC Chair 2019, and it was seconded by **Robert Terry** with no abstentions.

2. Vice Chairman of SCPC 2019

SCPC Member	Present	Motion	Second	Close	Second	Yea	Nay	Abstain
Beckham, George	X		X			X		
Corbett, Becky								
Feeman, Jerry								
Humphrys, Helen	X					X		
Kline, David								
Mavrides, Allen	X					X		
Segedy, Jason								
Snell, Jeff	X					X		
Stoiber, Dennis	X					X		
Terry, Robert	X	X			X	X		
Wilhite, Jeff	X			X		X		

Motion

Robert Terry made a motion to nominate **Dennis Stoiber** as SCPC Vice Chair 2019, and it was seconded by **George Beckham** the motion passed with no abstentions.

Dennis Stoiber made a motion to close nominations for SCPC Vice Chair 2019, and it was seconded by **Robert Terry** with no abstentions.

3. Secretary of SCPC 2019

SCPC Member	Present	Motion	Second	Close	Second	Yea	Nay	Abstain
Beckham, George	X					X		
Corbett, Becky								
Feeman, Jerry								
Humphrys, Helen	X					X		
Kline, David								
Mavrides, Allen	X					X		
Segedy, Jason								
Snell, Jeff	X			X		X		
Stoiber, Dennis	X		X		X	X		
Terry, Robert	X	X				X		
Wilhite, Jeff	X					X		

Motion

Robert Terry made a motion to nominate **Helen Humphrys** as SCPC Secretary 2019, and it was seconded by **Dennis Stoiber** the motion passed with no abstentions.

Jeff Snell made a motion to close nominations and elect by acclamation for SCPC Secretary 2019, and it was seconded by **Dennis Stoiber** with no abstentions.

IV. Table Appointment of Rules Committee 2019

SCPC Member	Present	Motion	Second	Yea	Nay	Abstain
Beckham, George	X			X		
Corbett, Becky						
Feeman, Jerry						
Humphrys, Helen	X			X		
Kline, David						
Mavrides, Allen	X			X		
Segedy, Jason						
Snell, Jeff	X			X		
Stoiber, Dennis	X		X	X		
Terry, Robert	X			X		
Wilhite, Jeff	X	X		X		

Motion

Jeff Wilhite made a motion to table nominations for the Rules Committee 2019 until the next planning commission and it was second by **Dennis Stoiber** the motion passed with no abstentions.

Resend time of Appointment of Rules Committee 2019

SCPC Member	Present	Motion	Second	Yea	Nay	Abstain
Beckham, George	X			X		
Corbett, Becky						
Feeman, Jerry						
Humphrys, Helen	X			X		
Kline, David						
Mavrides, Allen	X			X		
Segedy, Jason						
Snell, Jeff	X			X		
Stoiber, Dennis	X		X	X		
Terry, Robert	X			X		
Wilhite, Jeff	X	X		X		

Motion

Jeff Wilhite made a motion to resend time for the Rules Committee 2019 and it was second by **Dennis Stoiber** the motion passed with no abstentions.

Allen Mavrides appointed **Jeff Snell, Dennis Stoiber** and **George Beckham** as the three members of the Rules Committee 2019.

V. Business Items

A. New Business – (4) items

Item # 1 – Zoning Text Amendment – Northfield Center Township – Amend Chapter 310.08
C – Adding pergolas and gazebos to Schedule Table.

Staff Recommendation: APPROVE

SCPC Action:

Approval: **X**

Disapproval:

Action:

SCPC Member	Present	Motion	Second	Yea	Nay	Abstain
Beckham, George	X			X		
Corbett, Becky						
Feeman, Jerry						
Humphrys, Helen	X			X		
Kline, David						
Mavrides, Allen	X			X		
Segedy, Jason						
Snell, Jeff	X			X		
Stoiber, Dennis	X	X		X		
Terry, Robert	X			X		
Wilhite, Jeff	X		X	X		

- Don Saunders stated why Northfield Center Township is requesting this additional regulation.
- Dennis Stoiber asked if the ten foot setbacks in the chart are the same as the ten foot setbacks for other accessory buildings.
- Don Saunders from Northfield Center Township replied yes.
- No comment from public.

Motion

A motion was made by **Dennis Stoiber** to approve **Item # 1 – Zoning Text Amendment – Northfield Center Township** it was seconded by **Jeff Wilhite** the motion passed with no abstentions.

Item # 2 – Zoning Text Amendment – Northfield Center Township – Amend Chapter 310.08
D – Adding regulations for pergolas and gazebos.

Staff Recommendation: APPROVE

SCPC Action:

Approval: **X**

Disapproval:

Action:

SCPC Member	Present	Motion	Second	Yea	Nay	Abstain
Beckham, George	X			X		
Corbett, Becky						
Feeman, Jerry						
Humphrys, Helen	X			X		
Kline, David						
Mavrides, Allen	X			X		
Segedy, Jason						
Snell, Jeff	X	X		X		
Stoiber, Dennis	X			X		
Terry, Robert	X			X		
Wilhite, Jeff	X		X	X		

- Don Saunders stated why Northfield Center Township is requesting this additional regulation.
- George Beckham commented a one hundred and forty four square feet structure is not big enough.
- Helen Humphrys asked in respect to George Beckham's inquiry would it make sense to add the language to the one hundred and forty four square feet or if it's over and acre.
- Jeff Snell stated the language is confusing.
- Dennis Stoiber stated to pick where you are going to say one hundred and forty four square feet to eliminate confusion.
- No comment from public.

Motion

A motion was made by **Jeff Snell** to approve **Item # 2 – Zoning Text Amendment – Northfield Center Township** with the conditions to comments and language by SCPC it was seconded by **Jeff Wilhite** the motion passed with no abstentions.

Item # 3 – Zoning Text Amendment – Northfield Center Township – Amend Chapter 130 Definitions - Adding definitions for pergolas and gazebos.

Staff Recommendation: APPROVE w/ suggested verbiage

SCPC Action:

Approval: **X**

Disapproval:

Action:

SCPC Member	Present	Motion	Second	Yea	Nay	Abstain
Beckham, George	X			X		
Corbett, Becky						
Feeman, Jerry						
Humphrys, Helen	X			X		
Kline, David						
Mavrides, Allen	X			X		
Segedy, Jason						
Snell, Jeff	X			X		
Stoiber, Dennis	X		X	X		
Terry, Robert	X			X		
Wilhite, Jeff	X	X		X		

- Jeff Snell read the definition of structure for clarity.
- No comment from public

Motion

A motion was made by **Jeff Wilhite** to approve **Item # 3 – Zoning Text Amendment – Northfield Center Township** with the condition of striking the suggested verbiage from the definition of structure and it was second by **Dennis Stoiber** the motion passed with no abstentions.

Item # 4 – Zoning Text Amendment – Northfield Center Township – Amend Chapter 350 Commercial District – Adding text detailing size limitations, use and compliance with JEDD requirements.

Staff Recommendation: Conditional Approval

SCPC Action:

Approval: **X**

Disapproval:

Action:

SCPC Member	Present	Motion	Second	Yea	Nay	Abstain
Beckham, George	X			X		
Corbett, Becky						
Feeman, Jerry						
Humphrys, Helen	X			X		
Kline, David						
Mavrides, Allen	X			X		
Segedy, Jason						
Snell, Jeff	X			X		
Stoiber, Dennis	X	X		X		
Terry, Robert	X		X	X		
Wilhite, Jeff	X			X		

- Allen Mavrides asked for clarification of the accessory buildings matching the primary building structure.
- Don Saunders gave and explanation to Allen Mavrides question.
- Jeff Snell stated the township cannot regulate color, structure or how it is built.
- No comment from public.

Motion

A motion was made by **Dennis Stoiber** to conditionally approve **Item # 4 – Zoning Text Amendment – Northfield Center Township** with consideration of the discussion from Northfield Center Township and SCPC and it was seconded by **Robert Terry** the motion passed with no abstentions.

VI. Report from Assistant Director

Dennis Tubbs announced the GIS department has moved to the first floor.

VII. Comments from Public

VIII. Comments from Planning Commission Members

IX. Other

X. Next Meeting

The next Summit County Planning Commission meeting will be held on ***Thursday, February 28, 2019.***

XI. Adjournment

Being no further business to come before the Planning Commission, ***Dennis Stoiber*** made a motion to adjourn, and it was seconded by ***George Beckham***. The motion passed unanimously. The meeting adjourned at ***3:55 pm***.



Planning Commission
Zoning Text Amendment
502 Prohibited Activities
Bath Township

Item No.: 1
Meeting: February 28, 2019
Applicant: Bath Township
Proposal: **Amend 502-A (4) Prohibited Activities**
Processor: Stephen Knittel

Proposal: The Zoning Commission is proposing to Amend 502-A (4) Prohibited Activities to enact a moratorium on any use or operations of medical marijuana cultivators, processors, dispensaries, and/or testing laboratories.

Proposed Text Amendments: Text that is ~~struck through~~ is text proposed for deletion, new proposed text is underlined.

502-A (4) Prohibited Activities (Modified)

(A) No activities shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this resolution, are or may become hazardous, noxious, or offensive due to the emission of odor, light, dust, smoke, cinders, gas, fumes, noise, vibrations, electrical interference, refuse matters, or water-carried wastes including, but not limited to, outdoor fire boilers. Any use or operations of medical marijuana cultivators, processors, dispensaries, and/or testing laboratories are prohibited.

Definitions (NEW):

Cultivator

(as used in Chapter 3796. of the Revised Code). An entity that has been issued a certificate of operation by the department to grow, harvest, package, and transport medical marijuana (as permitted under Chapter 3796. of the Revised Code).

Processor

(as used in Chapter 3796. of the Revised Code). An entity that has been issued a certificate of operation by the department to manufacture medical marijuana products.

Dispensary

(as used in Chapter 3796. of the Revised Code). An entity licensed (pursuant to sections 3796.04 and 3796.10 of the Revised Code and any rules promulgated thereunder) to sell medical marijuana to qualifying patients and caregivers.

Testing laboratory

means an independent laboratory located in Ohio that has been issued a certificate of operation by the department to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis.

Summary of the changes proposed:

Amend section 502-A (4) Prohibited Activities of the Bath Township Zoning Resolution.

- Added Any use or operations of medical marijuana cultivators, processors, dispensaries, and/or testing laboratories are prohibited.

Add new definitions for

- Cultivator
- Processor
- Dispensary
- Testing Laboratory

Staff Research:

In 2018 Northfield Center Township passed a similar moratorium of medical marijuana.

1. The Zoning Commission is proposing to add a new #97 definition to Chapter 130, "Definitions" in the Northfield Center Township Zoning Resolution. The proposed text is as follows:

97. MEDICAL MARIJUANA: Medical Marijuana shall have the meaning as that term defined in the Ohio Revised Code 3796.01 (A) (2) as adopted by HB 523.

2. The Zoning Commission is proposing to add a new Section, Sec. 230.12, in Chapter 230, "General Provisions" of the Northfield Center Township Zoning Resolution. The proposed text is as follows:

Sec. 230.12 MEDICAL MARIJUANA.

Purpose: To establish a permanent ban on the acceptance of any application for, or the granting of, any zoning certificate for any building, structure, use, expansion of use, or change of use that would enable the cultivation, processing, distribution or sale of medical marijuana in Northfield Center Township. No existing business in Northfield Center Township may expand in any way that would establish the cultivation, processing, distribution, or sale of medical marijuana.

Within Ohio there have been several municipalities that have passed either a ban or a moratorium on the sale and/or the cultivation/production of medical marijuana. West Chester Township, Sharonville, Blue Ash, Colerain Township and Fairfield also ban all medical marijuana-related businesses. Moratoriums are in place in Ross and Sharon townships, and in Hamilton. (from Cincinnati.com, "liberty twp. puts block marijuana dispensaries")

Hamilton, Ohio has a ban on Medical marijuana in its zoning code:

Definitions: Medical Marijuana: shall have the same meaning as set out in Ohio Revised Code Section 3796.01(A)(2). (OR2017-12-132)

Medical Marijuana Cultivation, Processing, or Retail Dispensing: shall mean any business, building, structure, or land used for the cultivation, processing, or retail dispensing of Medical Marijuana. (OR 2015- 2-14) (REVISED: OR2017-12-132)

They also added it as a prohibited use in zoning districts:

Prohibited Use Medical Marijuana Cultivation, Processing, or Retail Dispensing: As Defined in Section 1108.00. (OR 2015-2-14) (REVISED: OR2017-12-132)

Sharon Township has a ban on medical marijuana in its zoning code by listing under General Provisions: *Medical marijuana cultivators processors and dispensaries are prohibited from being located in all zoning districts of Sharon Township.*

Staff Comments:

The definition of testing laboratory is proposed as:

Testing laboratory

means an independent laboratory located in Ohio that has been issued a certificate of operation by the department to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis.

Staff recommends the removal of the word "means" at the start of the definition and to clarify which department issues a certificate and that the laboratory restrictions are for medical marijuana ie

Testing laboratory

A laboratory that has been issued a certificate of operation by the Ohio Department of Commerce to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis of medical marijuana.

Recommendation: Staff recommends to the Summit County Planning Commission that the proposed text amendments be **APPROVED**.



Planning Commission
Zoning Text Amendment
Residential Carport Canopy & Storage Structure
Northfield Center Township

Item No.: 2
Meeting: February 28, 2019
Applicant: Northfield Center Township Zoning Commission
Proposal: **Residential Carport Canopy & Storage Structure**
Processor: Stephen Knittel

Proposal: The applicant has proposed that the Northfield Center Township Zoning Resolution Chapter 130 Definitions and Chapter 310 Residential District Regulations Section 310.08 be amended to add text regulating Residential Carport Canopy & Storage Structures.

Proposed Text Amendments: Text that is struck through is text proposed for deletion, new proposed text is underlined.

Add a new proposed definition to Chapter 130 “Definitions”:

RESIDENTIAL CARPORT CANOPY AND STORAGE STRUCTURE:

A fabric, canvas or plastic structure, prefabricated, non-habitable on residential lots.

Add a new number 8 to Schedule 310.08:

Schedule 310.08: Amended via Resolution No 03/08-18e; Res. No.14/10-06E

Use	Yard Permitted	Front Yard Regulations	Minimum Setback From Lot Line	
			Side	Rear
1. Detached accessory buildings, including garages	Side, rear	NA	10 ft.	10 ft.
2. Driveways	Front, side, rear	--	3 ft. ^(a)	3 ft.
3. Terraces, uncovered porches, platforms, ornamental features that do not extend more than 3 feet above the ground	Front, side, rear	(b)	3 ft.	(c)
4. Fences, walls	Front, side, rear	3 ft. ^(d)	On Line (d)	On Line
5. Outdoor storage of recreation vehicle	Rear, Side	NA	20 ft.	20 ft.
6. Swimming pools	Rear	NA	(c)	(c)

Use	Yard Permitted	Front Yard Regulations	Minimum Setback From Lot Line	
			Side	Rear
7. Satellite Dishes with a diameter greater than 39 inches	Rear	NA	(c)	(c)
8. <u>Residential Carport Canopy and Storage Structure</u>		Rear, Side		

Notes to Schedule 310.08: NA = Not applicable

(a) This setback shall not apply to repair, resurfacing or reconstruction of existing driveways.

(b) May project a maximum of 10 ft. into required front yard.

(c) Shall comply with setbacks for principal buildings set forth in Schedule 310.05.

(d) Applies to the footer as well, see Sec. 310.08I for maximum height limitations and openness criteria. Fences constituting a corral shall comply with the regulations set forth in Sec. 310.08L.

Add a new number 5 & 6 to letter D to Section 310.08:

D. Accessory Buildings.

1. An accessory building that is attached to the dwelling shall be made structurally a part thereof, and shall comply with the setback requirements for principal buildings set forth in Schedule 310.05
2. An accessory building that is detached from the principal building shall comply with the setback requirements of Schedule 310.08 and shall be located a minimum of 15 feet from the principal building.
3. Each dwelling unit shall be permitted to have only one garage, either attached or detached, which shall comply with the following:
 - a) The area of such garage for a single-family dwelling shall not exceed 800 square feet.
 - b) The area of such garage for a two-family dwelling shall not exceed 500 square feet per dwelling unit.
 - c) The garage shall accommodate the number of parking spaces required in Section 410.04.
 - d) Each garage shall have a pedestrian exit to the outdoors other than through the garage door utilized by the vehicles.

4. One additional accessory building shall be permitted on the lot in compliance with the following:

a) The area of an accessory building other than a garage shall not exceed 450 square feet, except as permitted below for lots of one acre or greater.

b) Notwithstanding the provisions set forth in subsections 4a) above, when the area of the lot is one acre or greater, the maximum area of such accessory building other than a garage shall be 1.5 percent of the area of the lot, provided that the area of such accessory

5. Residential carport canopy and storage structure.

a. One (1) permitted.

b. Structure not more than 200 square feet.

c. Must be behind front face of primary structure.

d. Zoning certificate (permit) required.

6. Damage to carport canopy or storage structure.

a. Covering to canopy or storage structure which develops rips or tears shall be repaired with the same fabric or better.

b. Covering to canopy or storage structure which develops rips or tears to over 30% of the fabric covering shall require a complete replacement of the fabric covering.

Summary of the changes proposed:

- Add a new proposed definition to Chapter 130 “Definitions”: Residential Carport Canopy and Storage Structure.
- Add a new number 8 to Schedule 310.08: Residential Carport Canopy and Storage Structure.
- Add a new number 5 & 6 to letter D to Section 310.08:

Staff Comments: Staff has several comments:

1. At the January SCPC meeting Northfield Center Township had the SCPC review an amendment to Chapter 310.08 C Accessory Use Regulations with a proposed 8 Pergola and 9 Gazebo in the Use Table. This current proposal should be numbered 10 Residential Carport Canopy & Storage Structure.

2. At the January SCPC meeting Northfield Center Township had the SCPC review an amendment to Chapter 310.08 D Accessory Buildings with a proposed 5 already meaning this current amendments should be 6 & 7.

Recommendation: Staff recommends to the Summit County Planning Commission that the proposed text amendments be **APPROVED** with due consideration to staff comments.



Planning Commission
Zoning Text Amendment
Buffering & Screening
Northfield Center Township

Item No.: 3

Meeting: February 28, 2019

Applicant: Northfield Center Township Zoning Commission

Proposal: **Buffering & Screening**

Processor: Stephen Knittel

Proposal: The applicant has proposed that the Northfield Center Township Zoning Resolution Chapter 130 Definitions and Chapter 430 Landscaping and Screening Requirements Section 430.04 be amended to add text regulating Buffering and screening of residential areas from commercial and industrial areas.

Proposed Text Amendments: Text that is struck through is text proposed for deletion, new proposed text is underlined.

Proposed new definition of “Buffering” to Chapter 130 “Definitions”, to replace current definition of “Buffer Zone.”

BUFFERING:

The purpose of a buffer is to create a visual and/or physical barrier between conflicting, incompatible and/or visually undesirable land uses and to obscure the view of outdoor storage, rubbish areas, dumpsters, parking, loading areas or structures.

Additional proposed text for Chapter 430, Section 430.04; *Zoning Commission does not know at this time where this will be placed in 430.04, they would like the Planning Commission to review the proposed text itself.*

Screening of residential areas from commercial and industrial areas:

- The earthen berm shall be a minimum of 6 feet in height, and a minimum width of 20 feet. The height will be measured from the natural grade.
- A dense vegetative planting including trees, evergreens, shrubs and hedges effective in summer and winter shall be required.

- Evergreen trees shall be a minimum of 6 feet in height at the time of planting. Evergreen plantings shall be planted at a maximum distance of 10 feet on center to provide an effective buffer unless otherwise specified.
- Shrubs and hedges shall be used to fill in between evergreen trees to ensure screening is effective.
- The current owner shall maintain the required landscaping in good and healthy condition. In the event any required landscaping material dies or is destroyed, it shall be replaced within 6 months. Replacement material shall conform to the original intent of the landscape plan.
- Ground cover shall be used and maintained on the berm to prevent erosion of the berm.
- The evergreen screening shall be a minimum of 6 feet in height at time of planting.

Sec. 430.04 SCREENING AND BUFFERING OF RESIDENTIAL.

When a lot in any Business-Residential, Commercial or Industrial District abuts a Residential District and for all nonresidential uses permitted as a conditional use in a residential district, screening and buffering along the entire length of the common boundary shall be provided in accordance with the following regulations

- A. Width of Buffer Zone. Each required buffer zone shall have a minimum width equal to the parking setback required for the district in which the lot is located.
- B. Buffer Zone Requirements. The buffer zone shall be preserved and maintained in accordance with the following:
 1. A minimum of 85% of the buffer zone shall be preserved, left undisturbed in its natural state.
 2. Not more than 15% of the buffer zone may be disturbed during construction of the development. Upon completion of construction, the disturbed area shall be planted with trees, shrubs and/or other ornamental plantings. Fences shall be permitted to be erected within this disturbed area.
 3. When the natural vegetation within the required buffer zone does not form a solid continuous visual screen or does not have a minimum height of 6 feet along the entire length of the common boundary of the residential district or property, screening in compliance with the following shall be installed:
 - a) Screening. Screening within the buffer zone shall consist of one(1) or a combination of two (2) or more of the following:
 - (1) A dense vegetative planting incorporating trees and/or shrubs of a variety that shall be equally effective in winter and summer. Trees and/or shrubs shall be adequately spaced to form a solid continuous visual screen within three years after the initial installation.

- (2) A non-living opaque structure, such as a solid masonry wall, or a solid fence, that is compatible with the principal structure.
- (3) A fence with openings through which light and air pass, together with a landscaped area at least ten feet wide.
- (4) A maintained, landscaped earthen-mound at least 5 feet wide.
- b) Height of Screening. The height of screening shall comply with the following:
 - (1) Visual screening walls, fences, or mounds and fences in combination shall be a minimum of 6 feet high measured from the natural grade, in order to accomplish the desired screening effect.
 - (2) Vegetation shall be a minimum of 6 feet high measured from the natural grade, in order to accomplish the desired screening effect. The required height shall be achieved no later than twelve months after the initial installation.
- c) Placement of Screening. The location of the wall, fence, or vegetation shall be placed within the buffer zone to maximize the screening effect.
- d) Screening Responsibility. In the event land is rezoned from an industrial district to an O-C, R-1, or R-2 residential district so that the newly established residential district abuts an existing industrial district, it shall be the responsibility of the newly created residential property to provide the screening and buffering required in this Section. The required screening and buffering shall be located in the buffer yard required by Section 310.06E on the residential property abutting the industrial district, and shall be maintained by the residential property owner(s).
- e) Buffer Zone Plan. The buffer zone plan shall be specific to the type of screening option to be used.

Summary of the changes proposed:

- Add a new proposed definition to Chapter 130 “Definitions”: Buffering
- Additional proposed text for Chapter 430, Section 430.04: Screening of residential areas from commercial and industrial areas.

Staff Comments: Staff has several comments and notes that there are overlapping regulations within the proposal and existing text.

- 430.04B.3.a)(4) states the earthen berm shall be a minimum of 5 feet wide, proposed text states the earthen berm must be 6 feet in height and a minimum of 20 feet wide.
- Proposed text says evergreen trees are to be at 6 feet at time of planting, existing text 430.04B.3.b)(3) says screening vegetation has 12 months to reach 6 feet.

Staff recommends the following placement for the new text:

Screening of residential areas from commercial and industrial areas:

- The earthen berm shall be a minimum of 6 feet in height, and a minimum width of 20 feet. The height will be measured from the natural grade. 430.04 B. 3. b) (3)
- A dense vegetative planting including trees, evergreens, shrubs and hedges effective in summer and winter shall be required. 430.04 B. 3. a) (1)
- Evergreen trees shall be a minimum of 6 feet in height at the time of planting. Evergreen plantings shall be planted at a maximum distance of 10 feet on center to provide an effective buffer unless otherwise specified. 430.04 B. 3. a) (1) (a)
- Shrubs and hedges shall be used to fill in between evergreen trees to ensure screening is effective. 430.04 B. 3. a) (1) (b)
- The current owner shall maintain the required landscaping in good and healthy condition. In the event any required landscaping material dies or is destroyed, it shall be replaced within 6 months. Replacement material shall conform to the original intent of the landscape plan. 430.04 B. 3. d) (1)
- Ground cover shall be used and maintained on the berm to prevent erosion of the berm. 430.04 B. 3. a) (4) (a)
- The evergreen screening shall be a minimum of 6 feet in height at time of planting. 430.04 B. 3. b) (2)

Sec. 430.04 SCREENING AND BUFFERING OF RESIDENTIAL.

When a lot in any Business-Residential, Commercial or Industrial District abuts a Residential District and for all nonresidential uses permitted as a conditional use in a residential district, screening and buffering along the entire length of the common boundary shall be provided in accordance with the following regulations

- A. Width of Buffer Zone. Each required buffer zone shall have a minimum width equal to the parking setback required for the district in which the lot is located.
- B. Buffer Zone Requirements. The buffer zone shall be preserved and maintained in accordance with the following:
 1. A minimum of 85% of the buffer zone shall be preserved, left undisturbed in its natural state.
 2. Not more than 15% of the buffer zone may be disturbed during construction of the development. Upon completion of construction, the disturbed area shall be planted with trees, shrubs and/or other ornamental plantings. Fences shall be permitted to be erected within this disturbed area.
 3. When the natural vegetation within the required buffer zone does not form a solid continuous visual screen or does not have a minimum height of 6

feet along the entire length of the common boundary of the residential district or property, screening in compliance with the following shall be installed:

- a) Screening. Screening within the buffer zone shall consist of one(1) or a combination of two (2) or more of the following:
 - (1) A dense vegetative planting incorporating trees and/or shrubs of a variety that shall be equally effective in winter and summer shall be required. Trees and/or shrubs shall be adequately spaced to form a solid continuous visual screen within three years after the initial installation.
 - (a) Evergreen trees shall be a minimum of 6 feet in height at the time of planting. Evergreen plantings shall be planted at a maximum distance of 10 feet on center to provide an effective buffer unless otherwise specified.
 - (b) Shrubs and hedges shall be used to fill in between evergreen trees to ensure screening is effective.
 - (2) A non-living opaque structure, such as a solid masonry wall, or a solid fence, that is compatible with the principal structure.
 - (3) A fence with openings through which light and air pass, together with a landscaped area at least ten feet wide.
 - (4) A maintained, landscaped earthen-mound at least 5 20 feet wide.
 - (a) Ground cover shall be used and maintained on the berm to prevent erosion of the berm.
- b) Height of Screening. The height of screening shall comply with the following:
 - (1) Visual screening walls, fences, or mounds and fences in combination shall be a minimum of 6 feet high measured from the natural grade, in order to accomplish the desired screening effect.
 - (2) Vegetation shall be a minimum of 6 feet high measured from the natural grade, in order to accomplish the desired screening effect. The required height shall be achieved no later than twelve months after the initial installation.
Evergreen trees shall be a minimum of 6 feet in height at the time of planting.
 - (3) The earthen berm shall be a minimum of 6 feet in height, and a minimum width of 20 feet. The height will be measured from the natural grade.
- c) Placement of Screening. The location of the wall, fence, or vegetation shall be placed within the buffer zone to maximize the screening effect.
- d) Screening Responsibility and Maintenance.

- 1) The current owner shall maintain the required landscaping in good and healthy condition. In the event any required landscaping material dies or is destroyed, it shall be replaced within 6 months. Replacement material shall conform to the original intent of the landscape plan.
- 2) In the event land is rezoned from an industrial district to an O-C, R-1, or R-2 residential district so that the newly established residential district abuts an existing industrial district, it shall be the responsibility of the newly created residential property to provide the screening and buffering required in this Section. The required screening and buffering shall be located in the buffer yard required by Section 310.06E on the residential property abutting the industrial district, and shall be maintained by the residential property owner(s).

e) Buffer Zone Plan. The buffer zone plan shall be specific to the type of screening option to be used.

Recommendation: Staff recommends to the Summit County Planning Commission that the proposed text amendments be **APPROVED** with due consideration to staff comments.